

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
August 24, 2010
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Tony Carey, Trustees Jim Wollack, Rafer Burnham, Sue Wedel and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Administrative Services Director Bryan Ostler, Planning Director Jennifer Simmons and Town Engineer Dick Leffler. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00p.m.; roll call was taken and all Trustees were present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA There were no additions or deletion to tonight's agenda.

SPECIAL PRESENTATION

Miners' Day Celebration Commission Update Miners' Day Commissioners, Mike Hattel, Liberta Hattel and April Wollack provided a Miners' Day Celebration update. The update included information about the balloon launch, parade route along Colorado Boulevard and the entertainment throughout the day. Also information regarding the Competition Corner, drawing and prizes for the Frederick High School students who have volunteered for the event, door hangers that will be delivered to the Town of Firestone and portions of the City of Dacono. The citizens of Frederick will be receiving a four page flyer.

The wine tasting event will have a separate flyer, along with tickets to sell for the event.

PUBLIC COMMENTS

John Parker a Wyndham Hill resident voiced his concern about the truck traffic along Weld County Road 7; the trucks go through the subdivision early in the morning as well as late in the evenings. Parker indicated he felt the speed limit through this area was too high for a subdivision. The trucks also use their "jake brakes" which he thought was illegal within the Town limits. Parker would like the Board to consider restricting truck traffic on Weld County Road 7 and directing the traffic east to the I-25 Frontage Road.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Miners Day

Planning Continues and Upcoming Board of Trustees Work Sessions. The Administrative Services Department provided information regarding Online Bill Pay, Budget Preparation, Recruitment Update, Employee Benefits and 3rd Quarter HR Training. The Engineering Department provided information regarding the Frederick High School Site, Culvert Failure on Wheatland Boulevard, Water Meter Repairs and Colorado Water Conservation Board Grant. The Planning Department provided information regarding the POST Update, Enterprise GIS Update and Implementation of the Downtown Development Master Plan. The Police Department provided information regarding the Emergency Management Exercise and a new hire. The Public Works Department provided information about the Miners Day Preparations, Seasonal Workers, Drainage Improvements and General Maintenance. There was an amendment to the Administrative Report; the amendment included Media Hits.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. There were no updates to the Attorney's Report.

ACTION AGENDA

AM 2010-0080, Resolutions of Support for GOCO Grants to Fund Phase 2 of Frederick Recreation Area, as part of the Great Outdoors Colorado(GOCO), grant application process, the Town of Frederick Town Board needs to pass a Resolution of Support. Staff is presenting two grant applications for consideration in connection with the proposed Frederick Recreation Area project. There was discussion regarding Section 1 of the proposed resolutions stating the Town of Frederick would appropriate funds for proposed project. The concern was raised on how the Town could appropriate matching funds prior to adoption of the Year 2011 Budget. After discussion it was determined to amend Section 1 of the proposed resolution to remove "has been appropriated funds" to "will budget for". Trustees voiced their concern about adequate staffing to maintain the additional park area. Town Administrator Derek Todd informed the Board that funding for this project would come from the Open Space Fund, since this portion of the Frederick Recreation Area is considered to be passive and staffing will be addressed.

Motion by Trustee Wedel to approve Resolution 10R029, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO REGARDING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO, FOR THE CONSTRUCTION OF THE SECOND PHASE OF FREDERICK RECREATION AREA, amending Section 1 to reflect "will budget for", Trustee Wollack seconded the motion, motion carried with Mayor Pro Tem Carey voted "nay" to the motion.

Motion by Trustee Wollack to approve Resolution 10R030, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING THE GRANT APPLICATION FOR A MINI GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO, FOR THE CONSTRUCTION OF THE SECOND PHASE OF FREDERICK RECREATION AREA amending Section 1 to reflect "will budget for", Trustee Schiers seconded the motion and motion carried unanimously.

AM 2010-078, An Ordinance of the Town of Frederick, Colorado, for the Regulation of Traffic by the Town of Frederick, Colorado; Adopting by Reference the 2010 Edition of the "Model Traffic Code" Repealing all Ordinances in Conflict therewith; and Providing Penalties for Violation Thereof The Colorado Department of Transportation has issued the Revised 2010 edition of the Model Traffic Code. The Model Traffic Code is intended to provide uniformity of basic road rules and local traffic regulations. The code also standardizes traffic regulation and control on streets throughout the State. The Revised 2003 Model Traffic Code, which the town adopted by reference, was the last adopted Code. Motion by Mayor Pro Tem Carey to set the set the Public Hearing date for the adoption of the Revised 2010 Model Traffic Code, by reference, for September 14, 2010, Trustee Wollack seconded the motion and motion carried unanimously.

AM 2010-076, To Consider a Resolution to Order Publication of a Notice and Setting a Public Hearing to Consider Adopting by Reference Article 15, Downtown Regulations. Staff indicated that one of the steps of implementing the Downtown Development Master Plan is adopting land use regulations specific to Downtown. Adopting the proposed Article 15 will complete this step of implementation. The proposed Article 15 will be presented to the Planning Commission at a work session on September 7th, then a public meeting on September 21st and then a Public Hearing at the October 12, 2010, regular Board meeting. Motion by Mayor Pro Tem Carey to approve Resolution 10R031, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ORDERING THE PUBLICATION OF A NOTICE AND SETTING A HEARING FOR CONSIDERATION OF AN ORDINANCE PROPOSING ADOPTION BY REFERENCE OF ARTICLE 15, DOWNTOWN REGULATIONS, FREDERICK LAND USE CODE, 2004; AMENDING CERTAIN SECTIONS OF THE LAND USE CODE IN CONNECTION WITH SUCH ADOPTION; AND REPEALING ALL ORDINANCE IN CONFLICT THEREWITH amending the resolution to reflect the Public Hearing to be October 12, 2010, Trustee Wedel seconded the motion and motion carried unanimously.

AM 2010-079, To Consider a Request from Encana Oil to Grant a Waiver from State Rule 318A.a(1) to Drill Within a Designated Drilling Window. The Town of Frederick owns Outlot D of Rinn Valley Ranch where EnCana is proposing to drill six new wells. The proposed wells are outside the designated drilling window and State regulations requires the property owner to grant a waiver from State Rule 318A.a(1) prior to EnCana being able to submit the permit application to the State. EnCana has paid the Town's inspection fees. EnCana representatives held a neighborhood meeting on June 28th, and addressed any questions or concerns the residents expressed. Legal counsel requested EnCana to agree to following revision to the existing Surface Use Agreement. The revisions are as follows; No greater concentration of wells will be proposed at this location, Upgraded fencing to protect the visual effect of the six well sites will be provided, Noise mitigation during drilling will be performed, Streets will be maintained free of debris daily and any damage to County Road 20.5 will be mitigated, Assure that equal storage volume of the detention area is maintained throughout and following the drilling process and No drilling will be performed from noon before a holiday through the holiday until 8a.m. the day after the holiday.

Motion by Mayor Pro Tem Carey to grant Encana Oil a waiver from State Rule 318A.a(1), drilling within a designated drilling window only if Encana Oil amends the existing Surface Use Agreement by including the above mentioned conditions. Trustee Wollack seconded the motion and motion carried unanimously.

AM 2010-077, To Approve a Resolution to Enter Into a Contract with the Colorado Department of Transportation for Improvements to Silver Birch Boulevard North of the Intersection of State Highway 52 and Weld County Road 11

The contract with the Colorado Department of Transportation (CDOT) for the improvements to Silver Birch Boulevard and north of the intersection of Highway 52 and Weld County Road 11 was presented to the Board. The improvements will include a traffic light at the intersection and a dedicated left turn and a dedicated right turn lane for southbound traffic. Engineering staff recommends additional traffic storage for the cars turning left onto Highway 52 and a straight through lane so traffic won't be impacted by the left turn lane as part of the project. This portion of the project will be funded by the Town of Frederick at an estimated cost of \$30,000. Motion by Mayor Pro Tem Carey to approve Resolution 10R032, A RESOLUTION APPROVING A CONTRACT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF IMPROVEMENTS AT WELD COUNTY ROAD 11 AND STATE HIGHWAY 52 and to authorize the Mayor and Town Clerk to execute the Colorado Department of Transportation Contract for Project STA 052A-035, Trustee Wedel seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Wedel to approve the Consent Agenda with the following items; the Approval of List of Warrants for August 24, 2010, and Approval of the August 10, 2010, Regular Meeting Minutes, Trustee Wollack seconded the motion and motion carried unanimously.

MAYOR AND BOARD REPORTS

Mayor Pro Tem Carey made mention of the UQM (a Frederick based Company) article in the Denver Post, non compliant yard/garage signs, Storm Drainage maintenance and Trustee vacancy candidates.

Trustee Burnham had nothing to report.

Trustee Schiers made mention of "on line bill pay"-great job and the new parade route for Miners' Memorial Day.

Trustee Wedel made mention about the lighting in the median along Colorado Boulevard, setting Town priorities at the Board/Staff retreat and discussing budget process. Trustee Wedel would also like staff to have Public Works Department work with the Frederick Courts in regard to Community Service Workers. Trustee Wedel also requested staff provide how many Public Works employees have increased over the past ten to fifteen years.

Trustee Wollack made mention about the truck traffic on Weld County Road 7; possibly lowering the speed in Wyndham Hill Subdivision, tickets issued for the use of "Jake Brakes" and alternate routes. Motion by Trustee Wedel to direct staff to communicate with John Parker and other residents of Wyndham Hill regarding the issue of truck traffic, the history of truck routes and the enforcement of no mufflers on the trucks, the motion was then seconded by Trustee Wollack, motion carried unanimously. Staff will provide information about the outcome of the meeting to the Board at a later date.

Trustee Wollack indicated Miners' Memorial Day celebration set up is coming along and he (Trustee Wollack) is looking forward to this year's event.

Mayor Doering requested the Board appoint Town Administrator Derek Todd to the Colorado Municipal League Policy Committee. Motion by Mayor Pro Tem Carey to appoint Town Administrator Derek Todd, to the Colorado Municipal League Policy Committee, Trustee Wollack seconded the motion and motion carried unanimously.

Mayor Doering also mentioned that Senator Jared Polis will be in Frederick on September 3rd at Mugg n Pye Restaurant, Senator Mark Udall will be holding an open house at the Frederick Town Hall on September 14th, Habitat for Humanity will be in the City of Dacono on October 9th and Town Clean-up is scheduled for October 2nd. Mayor Doering also indicated on September 21st, the second half of the Board/Staff Retreat will be held.

There was discussion on how the interviewing of the proposed Trustee vacancy applications will be processed. Mayor Doering stated the interviews would be conducted in the Municipal Court Room, interviews would be with each candidate; there would a couple of pre-determined questions and then one off the cuff question. After the questions have been answered there would be question and answering from the Board and application. Information about Governor Ritter's suggestion to cut Department of Local Affairs grant money was provided to the Board; Mayor Doering indicated he has sent a letter to the Governor requesting monies to balance the State budget be sought some place other than grant money.

Once the applicant has completed the process, the applicant could remain in the room during other applicant's interviews or could return to the other applicants at which time the interviewed applicant would be asked not to discuss the interview with the other applicants who had not yet interviewed. After the interviewing process is complete, the Board would then begin the regular scheduled meeting and sometime during the regular meeting the Board would vote by ballot for their desired Trustee. The details of the voting were discussed and the following motions were described to complete the process.

Motion by Trustee Wollack to allow the Mayor to vote for an applicant, Trustee Burnham seconded the motion, motion carried with Mayor Pro Tem Carey voting "nay" to the motion.

Motion by Trustee Wollack that at any round of voting, the vacancy appointment would be filled by four votes, Trustee Burnham seconded the motion and motion carried

unanimously.

Motion by Trustee Wollack that the two top vote getters would move onto the next round of ballots, Trustee Wedel seconded the motion and motion carried unanimously.

Motion by Trustee Wollack that after five rounds of ballots and if an applicant has not received at least four votes, the vacancy will be decided by the draw of straws. The motion was then seconded by Trustee Schiers and motion carried unanimously.

Motion by Trustee Wollack that the vacancy will be filled by the applicant who draws the longest straw, motion was then seconded by Trustee Burnham and motion carried unanimously.

Motion by Trustee Wedel the ballots will be secret ballots, Trustee Schiers seconded the motion and motion carried unanimously.

The last motion made for the process was a motion by Trustee Wollack that the interview sequence will be done by random applicant names drawn from a hat, Trustee Wedel seconded the motion and motion carried unanimously.

The board completed the process and then discussed how a letter will be sent to each applicant describing the process and the two questions that will be asked during the interview. A set time will be allowed for each applicant and the Town Clerk will be the time keeper.

Mayor Doering indicated petitions in support of the second phase of the Frederick Recreation Area were being circulated and that the petitions would be part of the grant application. Trustee Wedel requested the plans for Frederick Recreation Area Phase II be posted on the Town's website.

There being no further discussion, Mayor Doering closed the executive session at 9:41p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor